

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: CRIMINAL JUSTICE

DATE: APRIL 23, 2009

Committee Members Present:

Supervisors Tessier
 Bentley
 O'Connor
 Kenny
 VanNess
 Taylor
 Goodspeed

Others Present:

Robert Lusi, Director of Probation
Amy Bartlett, First Assistant County Attorney
Joan Sady, Clerk of the Board
Kevin Geraghty, Budget Officer
Supervisor Pitkin
Supervisor Sokol
Bud York, Sheriff
Shane Ross, Chief Deputy
Larry Jeffords, Communications Supervisor
Thom Randall, *Adirondack Journal*
Joanne Collins, Legislative Office Specialist

Mr. Tessier called the meeting of the Criminal Justice Committee to order at 9:34 a.m.

Motion was made by Mr. VanNess, seconded by Mr. Goodspeed and carried unanimously to approve the minutes from the March 26, 2009 Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Robert Lusi, Director of Probation, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Mr. Lusi presented a request, as President-Elect of the Council of Probation Administrators (COPA), for permission to attend the COPA Summer Conference to be held in Lake Placid, NY on June 29 to July 1, 2009, with a meal cost of \$54 per day. He noted that the room charge would be paid for by COPA. Mr. Lusi stated that he expected to assume the duties of COPA President in June 2009. He added that the COPA summer conference provided training to Directors and provided a forum which included preparation for lobbying efforts to increase funding to County Probation Departments.

Motion was made by Mr. Goodspeed, seconded by Mr. O'Connor and carried unanimously to approve the request as outlined above. *A copy of the Authorization to Attend Meeting or Convention is on file with the minutes.*

Mr. Lusi presented Agenda item 2, a request to enter into a contract with Quest Diagnostics, Inc. for substance abuse lab based testing services for individuals under probation supervision, to be paid for by the Probationers, to commence upon execution of the contract and with a termination date to be determined. He apprised that the lab testing verified positive results for on-site urine testing and also provided for hair follicle and other necessary testing. He added that test results were often disputed by the Probationers, resulting in the need for additional testing.

Motion was made by Mr. Kenny, seconded by Mr. Taylor and carried unanimously to approve the request as outlined above and the necessary resolution was authorized for the May 15, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Iusi presented a request to enter into a contract with Northeast Polygraph, Inc. to provide polygraph services for level 2 and 3 Registered Sex Offenders, to commence upon execution of the contract and to continue based upon extension of sex offender funding, which was provided by the New York State Division of Probation and Correctional Alternatives.

Motion was made by Mr. O'Connor, seconded by Mr. VanNess and carried unanimously to approve the request to enter into a contract with Northeast Polygraph, Inc. as outlined above and the necessary resolution was authorized for the May 15, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Mr. Iusi apprised of the need for a resolution to rescind a former resolution which authorized a contract for polygraph services with Hudson Valley Polygraph Services as they lacked the required insurance coverage.

Motion was made by Mr. Kenny, seconded by Mr. VanNess and carried unanimously to rescind Resolution No. 690 of 2008 which authorized a contract for polygraph services with Hudson Valley Polygraph Services and the necessary resolution was authorized for the May 15, 2009 Board meeting. *A copy of the resolution request form is on file with the minutes.*

Agenda item 4, Mr. Iusi apprised, pertained to the use of \$2,000 in grant funding for the Department of Probation to partially fund a new contract with Offender Watch, a privately held web-accessible database used as a management tool to monitor sex offenders in local communities. He said that the database included registration, verification, community notification and mapping capabilities. Facilitation of the program, he stated, would include a joint effort between the Department of Probation, the Warren County Sheriff's Department and the Glens Falls Police Department. Mr. Iusi reported that there were approximately 55 sex offenders on probation in Warren County with an estimated total of 180 sex offenders in the County. He stated that sex offenders tended to move frequently, and there were residency restrictions with which they must adhere. Shane Ross, Chief Deputy, stated that the program software/database would significantly benefit law enforcement agencies and it included a community component for public access. He asserted that such a program would enhance the ability to manage the County's sex offender population in the interest of public safety.

Mr. Iusi stated that the resolution request for the Offender Watch program would be presented by the Sheriff's Department at the Public Safety Committee meeting today. He apprised that the Glens Falls Police Department would be responsible for the registration and tracking of the offender's residences. Mr. Iusi noted that the Department of Probation received enhanced sex offender funding in the amount of approximately \$2,400 for level 2 offenders from New York State, in order to partner with law enforcement agencies, and a portion of the funding would be used for same. Looking to the future, Mr. Iusi stated that the annual cost to continue the program would be \$1,166 from the Probation Department budget.

Mr. Taylor asked for the name of the website that included the names and addresses of the offenders and Chief Deputy Ross responded that watchdog.com provided the information. Chief Deputy Ross reiterated the positive impact of the Offender Watch program, and he apprised that registered users could obtain a map indicating the "sphere of influence" based on the offenders residence, which named schools and childcare institutions within a particular radius.

Mr. VanNess asked if the contract was renewable on an annual basis and Mr. Iusi stated that it was not. He noted that the resolution would originate from the Sheriff's Department and the Probation Department would serve as a partner with a Memorandum of Understanding (MOU). Chief Deputy Ross stated that the request included a three year contract, and included an MOU with the Department of Probation and an inter-municipal agreement with the City of Glens Falls.

The final item presented by Mr. Iusi pertained to the recently enacted Rockefeller Drug Reform Law which, he said, could potentially change the dynamics of drug laws at the County level. He stated that the Law allowed first time Class B Drug Felons and Class C, D, and E Drug Felons convicted of prior felonies (including offenders with multiple prior felony convictions) to be sentenced to probation. He advised that the Law also allowed Class B Felons serving an intermediated term whose maximum exceeds three years, to be sentenced to lesser prison terms or probation supervision. Mr. Iusi noted that the entire process of containing drug trafficking activity within the County was very effective much to the credit of the Warren County Sheriff's Department, the Glens Falls Police Department and the New York State Police Department. Further, he added, the District Attorney and Judge Hall had done an excellent job of prosecuting and sentencing, respectively, in the best interest of the County, and the process should continue. Mr. Iusi stated that there were approximately 1,600 individuals currently serving prison sentences, who would become eligible to be resentenced, and he stated that he expected some of those cases to come to the local jails. He expounded the complexity of some cases and that the cost would fall on the Counties. In the past, he noted, Judge Hall had sent individuals to prison for such criminal offenses.

Mr. Tessier asked Mr. Iusi if a letter should be sent and Mr. Iusi stated that the New York State Association of Counties (NYSAC) conveyed the potential impact of such a law on the Counties and wanted to receive communications from the Chairman of the Board indicating the impact on Warren County in order to rally against such legislation, should it become necessary. According to Mr. Iusi, New York State apprised that such a law would have minimal impact in terms of cost, and he conveyed his disagreement, noting that 80% of national cases were probation cases.

Mr. VanNess stated that such legislation would place a hardship on the both the Probation and Sheriff's Departments. Mr. Iusi suggested that Hal Payne, Commissioner of Administrative and Fiscal Services, reach out to representatives of NYSAC, to determine if a resolution would be necessary.

There being no further business to come before the Criminal Justice Committee, on motion by Mr. Goodspeed and seconded by Mr. VanNess, Mr. Tessier adjourned the meeting at 9:45 a.m.

Respectfully submitted,

Joanne Collins, Legislative Office Specialist